

1 **LEW BRANDON, JR., ESQ.**
2 Nevada Bar No. 5880
3 **KRIS D. KLINGENSMITH, ESQ.**
4 Nevada Bar No. 13904
5 **MORAN BRANDON BENDAVID MORAN**
6 630 S. Fourth Street
7 Las Vegas, Nevada 89101
8 (702) 384-8424
9 (702) 384-6568 - *facsimile*
10 *l.brandon@moranlawfirm.com*
11 Attorneys for Defendant,
12 ALBERTSONS, LLC

9 **SCOTT L. POISSON, ESQ.**
Nevada Bar No. 10188
10 **ERIK A. BROMSON, ESQ.**
Nevada Bar No. 9986
11 **BERNSTEIN & POISSON, LLC**
700 South Jones
12 Las Vegas, Nevada 89107
(702) 256-4566
13 (702) 256-6280 – Facsimile
14 erik@vegashurt.com
15 Attorneys for Plaintiff,
NAJIA PICKER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

¹⁸ NAJIA PICKER, individually,

19 Plaintiff,

V.

22 ALBERTSON'S LLC; and DOES 1
through 100; and ROE CORPORATIONS
23 101 through 200.

24 Defendants

CASE NO.: 2:17-cv-01702-JCM-GWF

**STIPULATION AND ORDER FOR
EXTENSION/MODIFICATION OF
DISCOVERY PLAN AND
SCHEDULING ORDER
(THIRD REQUEST)**



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE:(702) 384-8424
FAX: (702) 384-6568

1 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
2 **PLAN AND SCHEDULING ORDER**
3 **(THIRD REQUEST)**

4 Plaintiff, NAJIA PICKER, and Defendant, ALBERTSONS, LLC, by and through their
5 undersigned attorneys, submit to the Court the following Stipulation and Order for
6 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR IA 6-1, LR
7 26-4 (a) and Court Order Document No. 14.

8 **I. Local Rule 6-1**

9 Under LR IA 6-1(a) every stipulation to extend time must inform the court of any
10 previous extensions granted and state the reason for the extension requested.

11 **A. The Requirement of Local Rule 6-1 Are Satisfied**

12 This is the third request for extension filed by the parties. This extension is requested to
13 allow the parties to complete expert reports and for Defendant to potentially conduct FRCP 35
14 examinations. Further, additional time is needed in order for the Defendant to continue to
15 compile Plaintiff's medical records both allegedly related to this matter's subject incident and
16 her known pre-incident injuries and treatment, as Defendant has yet to hear from several of the
17 Plaintiff's providers. In terms of depositions, the Plaintiff has indicated that she will be
18 conducting the FRCP 30(b)(6) deposition of Defendant's representative(s). Lastly, there remain
19 at least one witness and employees that have yet to be deposed.

20 **II. Local Rule 26-4(a)**

21 Under LR 26-4 (a) a statement specifying the Discovery completed:

22 Both Plaintiff and Defendant have exchanged their initial document and witness
23 disclosures, with supplements thereto. Plaintiff has provided responses to Defendant's written
24 discovery requests. Defendant has responded to Plaintiff's discovery requests. Defendant



1 conducted the deposition of Plaintiff on September 22, 2017.

2 After receipt of Plaintiff's discovery responses and an executed medical authorization,
3 Defendant began to subpoena medical records from Plaintiff's various disclosed medical
4 providers and is still awaiting responses from at least seven (7) of the Plaintiff's known treating
5 providers. These providers include American Medical Response, Centennial Hills Hospital
6 Medical Center, Advanced Orthopedics & Spine, and Pueblo Medical Imaging, among several
7 other providers. Defendant has received invoices from several of these providers and, despite
8 providing payment and following up, has yet to receive a response.
9

10 **III. Local Rule 26-4(b)**

11 Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

12 The remaining Discovery to be completed includes initial and rebuttal expert
13 disclosures. Further, Defendant may potentially request an FRCP Rule 35 exam upon receipt of
14 expert reports and/or further records of Plaintiff's relevant pre- and post-incident treatment
15 history. In terms of depositions, there remain experts' depositions, depositions of Plaintiff's
16 treating providers, and the depositions of Defendant's FRCP 30(b)(6) witness(es) and
17 designated fact witnesses to be completed. Lastly, Defendant is currently awaiting responses
18 to subpoenas from at least seven (7) the Plaintiff's known treating providers. As noted above,
19 Defendant received invoices and provided payment; however, Defendant has yet to receive
20 records despite payment and following up with the providers several times.
21

22 **IV. Local Rule 26-4(c)**

23 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
24 time limits set by the Discovery Plan:
25
26



1 Initially, the parties are requesting additional time due to the delay in obtaining expert
 2 reports. Defendant sought expert reports in November but has not received a response to date
 3 due to the holidays and experts' busy schedules during same. Additionally, as records continue
 4 to be received from Plaintiff's medical providers, Defendant has sent these additional records,
 5 resulting in further delay. As such, Defendant has been unable to determine whether an FRCP
 6 35 Examination is necessary at this time. Defendant anticipates receiving the expert reporting
 7 in the next several weeks.

8 In regards to Defendant's attempts to secure the Plaintiff's medical records, the
 9 Discovery Plan and Scheduling Order was filed in this matter on June 23, 2017, after which
 10 Defendant served discovery upon Plaintiff. Plaintiff's responses and an executed medical
 11 authorization were received on or about July 17, 2017. Defendant began subpoenaing
 12 Plaintiff's medical records shortly after that date. Despite providing payment for records and
 13 following up with the providers several times, Defendant has yet to receive a response from
 14 seven (7) providers. As such, Defendant has been diligent in attempting to secure responses to
 15 the subpoenas since July 2017; however, responses remain outstanding from several providers.
 16

17 Lastly, in terms of depositions, Defendant responded to Plaintiff's discovery requests on
 18 or about August 23, 2017. Plaintiff has since indicated that she would like to conduct the FRCP
 19 30(b)(6) deposition of Defendant. The parties are in the process of scheduling the deposition
 20 and the agreed upon designations pursuant to FRCP 30(b)(6).

21 **V. Local Rule 26-4(d)**

22 Under LR 26-4(d) a proposed schedule for completing all remaining Discovery:

23 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from April 16, 2018
 24 to a Discovery cutoff date of June 16, 2018;

- (ii) Expert witness disclosures from February 17, 2017, to a new date of April 17, 2018;
- (iii) Rebuttal expert witness disclosures from March 16, 2018 to May 16, 2018;
- (iv) Final date to Amend Pleadings and Add Parties: September 17, 2017;
- (v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended to August 16, 2018;
- (vi) Interim Status Report from February 16, 2018 to a new date of April 16, 2018; and
- (vii) Final date to file Dispositive Motions extended from May 16, 2018 to July 16, 2018.

Therefore, good cause existing, counsel jointly request that this Honorable Court approve the above proposed extended Discovery dates.

Dated this 23rd day of January, 2018.

Dated this 23rd day of January, 2018.

BERNSTEIN & POISSON, LLC

MORAN BRANDON BENDAVID MORAN

/s/ Erik A. Bromson, Esq.
SCOTT L. POISSON, ESQ.
Nevada Bar No. 10188
ERIK A. BROMSON, ESQ.
Nevada Bar No. 9986
700 South Jones
Las Vegas, Nevada 89107
(702) 256-4566
(702) 256-6280 – Facsimile
erik@vegashurt.com
Attorneys for Plaintiff,
NAJIA PICKER

/s/ Lew Brandon, Jr., Esq.
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
KRIS D. KLINGENSMITH, ESQ.
Nevada Bar No. 13904
630 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Defendant,
ALBERTSONS, LLC

IT IS SO ORDERED.

George Foley Jr.
U.S. Magistrate Judge

Dated: January 24, 2018



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE:(702) 384-8424
FAX: (702) 384-6568